

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ROBIN HURLBURT,)	
)	
Plaintiff,)	
)	
v.)	No. 4:17 CV 2733 JMB
)	
LOHR DISTRIBUTING CO., INC.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendant Lohr Distributing Co., Inc.’s (“Defendant”) Motion to Dismiss Plaintiff’s Claims for Compensatory and Punitive Damages Under the ADEA (ECF No. 34). Plaintiff Robin Hurlburt (“Plaintiff”) has not filed a response in opposition and the time for doing so has passed. The parties consented to the jurisdiction of the undersigned pursuant to 28 U.S.C. § 636(c). For the reasons set forth below, the Court grants Defendant’s motion to dismiss. As a result, Plaintiff’s prayer for compensatory and punitive damages under the Age Discrimination in Employment Act (“ADEA”) in Count I will be dismissed.

On August 15, 2018, the Court entered a Memorandum and Order granting in part Defendant’s partial motion to dismiss and dismissing Plaintiff’s prayer for punitive and compensatory damages in Count I. Logan v. Chertoff, 2008 WL 922329, at *3, n. 5 (E.D.Mo. Apr. 2, 2008) (citing 29 U.S.C. §§ 626(b) and (c) (“[T]he ADEA does not allow for punitive damages or damages for pain and suffering. Rather, relief in ADEA actions is governed by specific damage provisions of the Act, which allow for lost wages and benefits, as well as liquidated damages, if a plaintiff can prove a willful violation.”)). The Court directed Plaintiff to file an Amended Complaint “to bring it into compliance with the terms of this Memorandum and

Order.” Plaintiff filed her Amended Complaint on September 3, 2018, and included a prayer for punitive and compensatory damages in Count I. Accordingly, Plaintiff’s prayer for punitive relief and compensatory damages under the ADEA in Count I will be dismissed.

IT IS HEREBY ORDERED that Defendant Lohr Distributing Co., Inc.’s (“Defendant”) Unopposed Motion to Dismiss Plaintiff’s Claims for Compensatory and Punitive Damages Under the ADEA (ECF No. 34) is GRANTED. Plaintiff’s prayer for punitive and compensatory damages under the ADEA in Count I is dismissed.

Dated this 4th day of October, 2018.

/s/ *John M. Bodenhausen*

JOHN M. BODENHAUSEN
UNITED STATES MAGISTRATE JUDGE